

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:19-00079

WILLIAM LEE MCCALLISTER, JR.

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 6, 2021, the United States of America appeared by Patrick J. Jeffrey, Assistant United States Attorney, and the defendant, William Lee McCallister, Jr., appeared in person and by his counsel, Gabriele Wohl, Esq., for a hearing on a petition and amendment to the petition, seeking revocation of supervised release, submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a three (3) year term of supervised release in this action on December 12, 2019, as more fully set forth in the Judgment in a Criminal Case Order entered by the court on December 12, 2019.

The court heard the admissions of the defendant, and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on December 14, 2020, December 28, 2020, and January 13, 2021, the defendant submitted urine specimens that tested positive for marijuana; (2) on March 9, 2021, the defendant verbally admitted his continued use of marijuana with his most recent use occurring on March 8, 2021; (3) on March 16, 2021, April 14, 2021, April 21, 2021, and May 5, 2021, as well as on May 17, 2021, all of June 2021, July 2021, and August 2021, the defendant failed to report for random urine screens; (4) on March 17, 2021, March 24, 2021, March 31, 2021, and the entire month of April, 2021, as well as the months of May, June, July, and August, 2021, the defendant failed to attend individual substance abuse counseling sessions as instructed; and, (5) approximately two weeks prior to April 5, 2021, the defendant left his approved residence without notifying the probation officer, and his whereabouts were unknown until his arrest on August 31, 2021, thereby absconding from his supervision during that time; all as set forth in the petition and all as admitted on the record of the hearing.

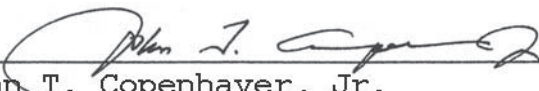
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583 (e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWO (2) MONTHS, with credit for time served, and with a term of THIRTY (30) MONTHS of supervised release with the same terms and conditions of supervised release as heretofore.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 12, 2021



John T. Copenhaver, Jr.
Senior United States District Judge